

Article 4: Disease Control — Nuisances

Division 4: Beekeeping

§44.0401 Purpose and Intent

It is the purpose and intent of this division to provide for the safe and orderly keeping of bees in the City of San Diego by establishing certain minimum standards for the keeping of bees to protect the public health, safety and welfare of the residents of the City of San Diego. It is also intended that this division supplement Chapters 1 and 2 of Division 13 of the California Food and Agriculture Code (Bee Management and Honey Production) pertaining to bees and the beekeeping industry.

§44.0402 Definitions

Any word or phrase used in this division and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code. Whenever in this division the term “Commissioner” is used, it shall mean the San Diego County Agricultural Commissioner and regularly appointed employees of the San Diego County Department of Agriculture.

§44.0403 Provisions Supplement State Laws

This division shall in all respects be construed to supplement and harmonize with the provisions of law of the State of California pertaining to bees and the beekeeping industry.

§44.0404 Registration Required

Within 30 days of establishing a bee colony the owner of the colony shall register the colony with the San Diego County Agricultural Commissioner and shall reregister in January of every year thereafter while in possession of the apiary.

§44.04045 Commissioner May Enter Premises Enforcement

The Commissioner is hereby empowered to enter upon any premises where bees are kept, or upon which he has reason to believe that bees are kept, in order to carry into effect the provisions of this division. It shall be the responsibility of the San Diego County Agricultural Commissioner to enforce the requirements of Chapters 1 and 2 of Division 13 of the California Food and Agricultural Code pertaining to apiary registration and disease.

§44.0405 Interference with Commissioner

~~It shall be unlawful for any person to interfere with the official actions of the Commissioner.~~

§44.0406 Notice of Violation

Any person who violates any provision of this division may be served with a written notice to cease or remedy such violation by the Commissioner or by any law enforcement officer of the County. Said notice shall require that such person cease or remedy the violation within 48 hours. Any person who fails to cease or remedy the violation within said 48 hour period or who causes a similar violation to occur within one (1) year is guilty of a misdemeanor. The notice required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice in a conspicuous place on or near the apiary where the violation occurred. The 48 hour period for which such notice provides shall commence to run from the time on the day such notice is served pursuant to this section.

§44.0407 Abatement of Nuisance

If the Commissioner determines that the violation of any provision of this division constitutes a public nuisance to the extent that the health, safety or welfare of the public is immediately endangered through such violation, the Commissioner may forthwith take such steps to abate such nuisance as are reasonably necessary and proper under the circumstances, provided, however, that the Commissioner shall not cause the destruction of any bees or any apiary unless in his opinion the nuisance cannot otherwise be effectively and timely abated.

§44.0408 Beekeeping — Locational Requirements~~Distance from Buildings~~

~~It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain, closer than 25 feet to the property line of adjoining residential property if a house or other building used for residential purposes is located on such property, or closer than 100 feet to any house or other building used for residential purposes other than a house or building used or possessed by such person, or to place or keep more than one beehive in a location which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person. Any person who at the time this division becomes effective maintains any apiary which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person and which is registered with the Commissioner shall be permitted to keep two (2) beehives at such location.~~

- (1) An apiary consisting of three or more bee hives shall be located no closer than 600 feet from a building used as a residence other than the onsite residence and a minimum of 100 feet from the public right-of-way.

- (2) An apiary consisting of two or fewer bee hives may be located no closer than 30 feet from a building used as a residence other than the onsite residence and a minimum of 50 feet from the public right-of-way, provided that:
 - (A) A minimum 6-foot tall barrier shall surrounds the beehive leaving sufficient space to properly maintain the beehive except that the barrier shall not be required when the beehive is elevated at least eight feet above grade;
 - (B) The beehive is not visible from the public right-of-way;
 - (C) The beehive is in a location that is secured from unauthorized access;
 - (D) The opening of the beehive faces away from the nearest property line, and entrances and walkways;
 - (E) The beehive is a neutral color; and
 - (F) The beehive is requeened at least once every two years

~~§44.0409 — Beekeeping — Distance from Roads~~

~~It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain within 100 feet of the exterior line of the traveled portion of a public road.~~

§44.0410 — Beekeeping — Permission of Landowners

It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person without first obtaining the permission so to do of the owner or person lawfully in possession of such land.

§44.0411 — Beekeeping — Identification Signs

Every person owning an apiary located on premises other than where he resides shall identify such apiary by a sign prominently displayed on the entrance side of the apiary stating, in black letters not less than one inch in height on a background of contrasting color, the name of the owner or person in possession of the apiary, his address and telephone number, or, if he has no telephone, a statement to that effect.

§44.0412 — Beekeeping — Transportation

It shall be unlawful for any person to transport hives of bees between sunrise and sunset, or cause the same to be done, unless such bees are confined to the vehicle by which such transportation is accomplished by screen or other equally effective means.

§44.0413 Beekeeping — ~~Firebreak~~Fire Safety

(a) Every person owning, possessing or controlling an apiary comprised of three or more beehives shall maintain a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:

- (a1) Within the 20 foot wide area closest to the apiary, a 10 foot wide area shall be cleared to mineral soil of all combustible material, and all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than six (6) inches above the ground throughout the area of the apiary lying within the inside perimeter of said 10 foot wide area; and
- (b2) Within the area 30 feet distant from the apiary and lying outside of the outside perimeter of the 10 foot wide area mentioned to subparagraph (a), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground. Subparagraphs (a) and (b) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by Section 44.0417 to enforce this section. This section shall not apply if the apiary is maintained in a residentially zoned area unless the Fire Department determines that a firebreak is necessary to protect the public safety.

(b) Every person owning, possessing or controlling an apiary comprised of two or fewer beehives shall be required to locate the beehives within brush management zone one in accordance Land Development Code Section 142.0412 (Brush Management).

§44.0414 Beekeeping — Fire Fighting Materials

The following fire fighting materials shall be maintained, in good working condition, at all times when the apiary is attended by the keeper thereof, sufficiently near the apiary so as immediately to be available in case of fire:

- (a) aA shovel; and
- (b) aA fire extinguisher, of either the 2 1/2 gallon water-under-pressure type or the 5 gallon back-pump type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority therefore is first obtained from an officer or agency authorized by Section 44.0417 to

enforce this section. A garden hose may be substituted for a fire extinguisher, provided the hose is connected to a source of water.

§44.0415 Beekeeping — Bee Smokers

A bee smoker, herein defined to mean an appliance utilizing smoke or fire in aid of the manipulation or transportation of bees, shall be used, if at all, in accordance with the following regulations:

- (a) The bee smoker shall be plugged, while being transported to or from an apiary, with a metal or hardwood plug;
- (b) All burning or smoldering substances within the bee smoker shall be completely extinguished with water before being transported to or from the apiary, or the bee smoker containing such substances shall be carried in a container which is securely fastened to the vehicle used for the transportation thereof;
- (c) The container shall be used for the transportation of the bee smoker at any time that the bee smoker contains any burning or smoldering substance;
- (d) The container shall be metal and shall have a top or cover, made of the same material as the container, which shall be securely fastened in the closed position whenever a bee smoker is being transported.

§44.0416 Beekeeping — Water Supply for Bees

Every person owning, possessing or controlling an apiary shall maintain within ten (10) feet of each apiary a supply of water which shall be equipped with a float valve or similar device which assures an adequate accessible and usable supply of water for the bees.

§44.0417 Enforcement

Any federal, state, district or city officer or agency that is charged with the duties of fire prevention or control is authorized, within the geographical limits of his or its jurisdiction, to enforce Sections 44.0413 through 44.0415 of this division.

~~**§44.0418 — Beekeeping — Permit Required**~~

~~It shall be unlawful for any person to place or keep an apiary upon any property within the City of San Diego without a license issued by the City Treasurer. The fee shall be Three Dollars (\$3) which shall defray, in part, the cost of inspection and enforcement of this division. Such license shall be valid for three (3) years from the date of issuance.~~

§44.0419 Beekeeping Regulated — Exceptions

The provisions of this division shall not apply to any apiary which is located and maintained within a school building or museum for the purpose of study or observation or which is located and maintained within a physician's office or laboratory for the purpose of medical research, medical treatment or scientific purposes.

§44.0420 Violation

Any person who violated any provision of this division other than Section 44.0412, and who has been served with written notice of such violation in the manner prescribed herein, and who fails or refuses to comply with such written notice, shall be guilty of a misdemeanor. Every person who violates any provision of Section 44.0412 shall be guilty of a misdemeanor immediately upon such violation.